

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13708, of Robert and Betsy Clark, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23), the side yard requirements (Sub-section 3305.1 and Paragraph 7107.22) and the open court width requirements (Sub-section 3306.1 and Paragraph 7107.22) for a proposed rear addition to a row dwelling which is a non-conforming structure in an R-1-B District at the premises 3008 Cortland Place, N.W., (Square 2103, Lot 92).

HEARING DATE: March 17, 1982

DECISION DATE: March 17, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the south side of Cortland Place, N.W., between Klinge Road and 29th Street, N.W. and is known as premises 3008 Cortland Place, N.W. It is in an R-1-B District.
2. The subject property is basically rectangular in shape except for a gradual widening at the rear of the lot abutting the public alley. The lot slopes downward toward Cortland Place.
3. The subject property is improved with a brick single family row dwelling which was built prior to 1958, the effective date of the current Zoning Regulations. The dwelling is three stories high facing Cortland Place and two stories high at the rear. Adjoining the rear of the house is a flagstone terrace.
4. The subject property is non-conforming as to the area and width requirements of the Zoning Regulations for a dwelling in an R-1-B District. The Zoning Regulations require a minimum lot area of 5,000 square feet and a minimum lot width of fifty feet. The lot area of the subject property is 2,501 square feet and the lot is twenty-five feet in width.
5. The subject existing single family dwelling is also non-conforming as to side yard, and court requirements. The dwelling is attached on either side to similar single family dwellings and has no side yards. The Zoning Regulations require a side yard of eight feet in an R-1-B District. The existing court is zero to two feet in width. The Zoning Regulations require a minimum width of six feet.

6. The allowable lot occupancy in the R-1-B District is forty percent, which would allow a total building area of 1000.40 square feet for the subject lot. The existing dwelling with the proposed addition will total 1,209.6 square feet therefore requiring a variance from the lot occupancy requirements of 209.2 square feet.

7. The applicants propose to construct a one-story addition to the rear of the existing dwelling to provide additional sitting and dining space for a growing family. The proposed one-story addition will extend thirteen feet south into the rear yard. The rear wall of the addition will be more than twenty-five feet from the public alley to the rear of the house. The side walls of the proposed addition will be in line with the side walls of the existing dwelling, and will have no side yards.

8. If the applicants were required to provide two eight feet side yards, the width of the addition would be limited to only nine feet.

9. If the applicants were required to stay within the allowable lot occupancy, the addition could be only 118 square feet in area.

10. There is no reasonably way to provide the necessary additional space for the dwelling other than the addition as proposed by the applicants.

11. This property is the only dwelling along Cortland Place that is zoned R-1-B that has an existing row dwelling.

12. The owners of the properties abutting the subject site on the east and west, by letters dated November 29, 1981, stated that they had seen the plans for the proposed addition and have no objection to the approval of this application.

12. The Advisory Neighborhood Commission 3C made no recommendation on this application. The Planning and Zoning Committee of ANC 3C, by letters dated March 12, 1982, reported that it did not oppose the application.

13. There was no opposition to the application at the public hearing or in the record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicants are seeking area variances, which requires a showing of a practical difficulty that is inherent in the property itself, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan.

The Board concludes that the non-conforming size of the lot, the existing non-conforming dwelling which pre-dates the 1958 Zoning Regulations and the sloping grade of the site constitutes an exceptional condition of the property. The Board further concludes that the applicants have demonstrated that they would suffer a practical difficulty if the Zoning Regulations were strictly applied.

The Board concludes that the testimony and documentary evidence in the record evidences that the proposed addition will not be objectionable and will not be inconsistent with the intent and purposes of the regulations. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Douglas J. Patton, Connie Fortune and Charles R. Norris to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: APR - 2 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.